

ORIGINAL

In the United States District Court
For the Middle District of Pennsylvania

FILED
HARRISBURG, PA

NOV 18 2004

MARY E. D'ANDREA, CLERK
Per [Signature]

James H. Williams
(Plaintiff)

Civil No# 1:CV-01-0280

vs

Richard L. Spaide
(Defendant)

Judge Kane

Motion For Enlargement of Time To file Reply
In opposition to Defendant's Statement of Materials
Facts and Motion for Summary Judgment and
Motion To Compel S.C.G. Greene to provide adequate
legal service for Photo Copying Plaintiff's documents.

James H. Williams AY-8692, pro se, is currently housed at S.C.G. Greene 175 Progress Dr. Weynesburg, Pa. 15370.

Plaintiff respectfully request for a second time that he be granted leave for extension of time to file response to Court order dated November 1, 2004 directing Plaintiff to respond within ten (10) days to file said reply and brief in opposition. and in support thereof states:

1. On September 30, 2004, this Court entered an order directing Plaintiff to file a brief in opposition to Defendant's statement of material facts, and any evidentiary material contravening those submitted by Defendant, within fifteen (15) days from the date of this order, or the motion for summary judgment will be deemed unopposed and may be granted without a merits analysis.

2. On October 14, 2004 Plaintiff filed Motion for Enlargement of Time.

3. On November 1, 2004 this Court granted motion ordering Plaintiff to respond within ten (10) days of order making due date November 11, 2004 Thursday (Holiday)

4. Plaintiff will be unable to file his response on its current due date. November 11, 2004

5. J.C.F. Greene law-library staff Ms. Higgins declines to follow R.O.C. policy relating to photocopies of Confidential Materials.

On October 7, 2004 Plaintiff submitted Request slip to law-library staff requesting photo copy of Legal Brief. Ms. Higgins Response was give it to the guards or place it inside the mail-Box.

(See attached Exhibit "A" Request-slip dated Oct 12, 04)

As a result Plaintiff had to file first motion for Enlargement of Time.

According to policy, when an inmate need photo copy of Confidential Materials he must submit a Request slip to law-library staff and inform them to pick-up the materials from his cell. after photo copying is completed deliver them directly to his cell.

Memo dated January 10, 2000 signed by Deputy Paul J. Stowitzky. (Distribute to all R-H-U inmates)

Requests for photocopies of Confidential Materials etc, will be collected by Unit Manager prior to Tuesday and Thursday legal distribution and pick-up time schedule between 11:30 Am and 1:30 Pm. etc.

once the copies have been made, a staff member from the Education Dept will deliver these photocopies to the Unit Manager.

the Unit Manager will distribute the copies directly to you. (See attached Exhibit A pg*2. Memo dated Jan 10, 00)

Although the Unit Manager was not personally collecting and delivering such document a staff from the main law library was personally picking up and delivering such documents in the Unit Manager place.

6. As a result Plaintiff filed an Grievance #98655 dated October 14, 04. thereafter, submitted an appeal with the Superintendent Folino October 29, 04 which is pending.

(See attached Exhibit "A" pg# 3 & 4. Grievance #98655)

According to Grievance officer Ms. Morelli Response there is no policy to cover your assertion that someone from the library must personally collect and hand you legal copies.

All though Memo dated Jan 10, 2000 direct otherwise.

7. Bottom line, S.C.T. - Greene staff are trying to manipulate Plaintiff's to hand Guards his confidential materials "Brief" for photo copying. when Guards are not responsible for photo copying such documents.

Plaintiff's have lost legal documents before by placing them in Guards hand who claimed they forwarded the documents to mail-room which never arised. back on June 1999.

8. Plaintiff's Law-suit concerns other Guards. Plaintiff can not force staff to abide by their own policy

9. Thus, it is necessary for Plaintiff to seek additional time for filing response to Court order dated November 1, 2004. (Plaintiff's Brief been completed since October)

wherefore, Plaintiff Respectfully Request additional thirty (30) days from date Court issue order in which to file Response and again order S.C.T. - Greene staff Superintendent Folino to provide adequate access for copying service according to policy.

Date November 11, 2004

Respectfully Submitted
James Williams pro se
(3) James Williams AT8692

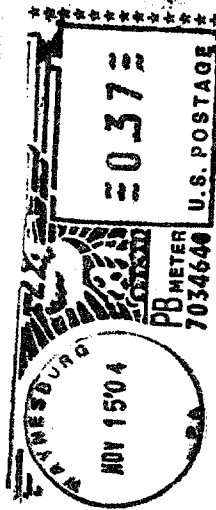
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AV-8692

INMATE MAIL
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OF CORRECTIONS



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